

ARTICLE VI.

CONCURRENCY MANAGEMENT

Sec. 30-160. Purpose.

The purpose of this article is to ensure that the infrastructure necessary to serve new Development is Available concurrently with the impacts of that new Development. Impact is measured against the adopted minimum acceptable levels of service with respect to: (a) roads, (b) sanitary sewer, (c) solid waste, (d) drainage, (e) potable water and (f) parks and open space. (Ord. No. 2000-5, § 2, 5-9-00)

Sec. 30-161. Application for Concurrency Determination.

(a) *Concurrency application.* All building permit applications shall also be treated as applications for a Concurrency Determination under this article.

(b) In the course of reviewing the application, the Building, Zoning, and Planning Director or designee, shall determine the following:

- (1) Whether the necessary facilities are in place and the Village's level of service standards are met at the time that a Development permit is issued, or that such permit will be conditioned upon the necessary facilities being in place and the level of service standards being met prior to the issuance of a certificate of occupancy; or
- (2) Whether the necessary facilities are under construction at the time a permit is issued or that there is a binding contract for the construction of such facilities at the time of permit issuance; or
- (3) Whether the necessary facilities are included in the Village's approved annual budget at the time of permit issuance; or
- (4) Whether the Development has vested rights determined pursuant to the provisions of this article.

(Ord. No. 2000-5, § 2, 5-9-00)

Sec. 30-162. Determination of vested rights.

(a) The following procedures are established for the request for a determination of vested rights as to the need to meet the Concurrency requirements of this article.

- (1) A request for exemption from the Concurrency requirements of this article based upon vested rights shall be submitted to the Village Council in a form provided by the Department. The request shall be accompanied by copies of any contracts, letters, appraisals, reports or other documents or items upon which the claim is

based.

- (2) The following criteria shall be used in connection with a request for determination of vested rights:
 - a. Is there a valid, unexpired act of the Village that authorized Development and have expenditures or obligations been made or incurred in reliance thereon?
 - b. Has the property owner dedicated Right-of-Way and/or constructed and/or funded roadway improvements directly related to the Development for which the claim of vested rights is requested?
 - c. Has the property owner made on-site infrastructure improvements (e.g., water or sewer systems) directly related to the Development for which the claim of vested rights is requested?

(b) The Village Council shall determine whether the project has vested rights. The Village Council or Manager may require the submission of additional information that will assist in the determination of Concurrency.

(Ord. No. 2000-5, § 2, 5-9-00)

Sec. 30-163. Level of service standards.

For the purpose of Concurrency Determinations, the Village has adopted a master plan that provides the Level of Service Standards (LOS) for public facilities and services: roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation. All Developments that are subject to a finding of Concurrency must be consistent with these standards.

(Ord. No. 2000-5, § 2, 5-9-00)

Sec. 30-164. Exemptions.

- (a) *Exemptions.* The following shall be exempt from the provisions of this article:
 - (1) Construction, rehabilitation or expansion of a Single Family Dwelling or Two-Family Dwelling on one parcel;
 - (2) Permits for Accessory Structures to existing residential Structures;
 - (3) Maintenance, renewal, improvement or alteration of any Structure where the work affects only the interior or color of the Structure or the decoration of the exterior of the Structure;
 - (4) Change in the Use of Land or Structures to another Use permitted within the same zoning district that is consistent with the master plan, and within the same group occupancy categories as defined by the South Florida Building Code, only if there

is no expansion of the Structure; and

- (5) Any Development order consistent with an approved Development of Regional Impact (DRI) pursuant to Florida Statutes.
(Ord. No. 2000-5, § 2, 5-9-00)

Sec. 30-165. Failure to establish Concurrency.

No building permit shall be issued unless:

- (1) The Building, Zoning, and Planning Director or designee determines, pursuant to section 30-161, that all LOS have been met;
- (2) The Village Council has made a vested rights determination pursuant to section 30-162; or
- (3) The Development is subject to one of the exemptions listed in section 30-164.
(Ord. No. 2000-5, § 2, 5-9-00)

Sec. 30-166. Appeal.

An appeal of any determination made with regard to this article shall be considered as an appeal of an administrative decision.
(Ord. No. 2000-5, § 2, 5-9-00)

Secs. 30-167--30-179. Reserved.